

EX PARTE

May 1, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Re: Notice of Ex Parte Presentation by Level 3 Communications,

LLC

Developing a Unified Intercarrier Compensation Regime, CC

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01-92

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, Level 3 Communications, LLC ("Level 3") submits this notice of ex parte presentations made in the above-captioned proceeding. On April 27, 2006, Adam Kupetsky, Regulatory Counsel for Level 3, and John Nakahata, of the law firm Harris, Wiltshire and Grannis LLP, met with John Grant, Legal Counsel for Commissioner Tate, and separately with Tamara Preiss, Donald Stockdale, Randy Clarke, Steve Morris, Jay Atkinson and Christopher Barnekov of the Wireline Competition Bureau. In addition, Mr. Nakahata met with Ian Dillner, Legal Advisor to Chairman Martin.

During these meetings, the Level 3 participants reiterated Level 3's support for instituting so-called "phantom traffic" rules, consistent with Level 3's ex parte dated March10, 2006. In particular, the Commission should adopt a phantom traffic solution requiring the originating provider to include and intermediate providers to pass calling party number in the signaling stream, but should not adopt any rules that would require large investments that would provide only short-term benefits or that would subject traffic originated on the Internet that validly lacks calling party number to intrastate or interstate access charges through a "phantom traffic" solution. Such a back-door means of resolving IP-enabled services issues would prejudge and undermine existing efforts to reform the intercarrier

compensation mechanisms and, in the case of outbound-only Internetoriginated calls, could contribute to the needless exhaustion of numbering resources.

The Level 3 participants also expressed opposition to the March 23, 2006, ex parte filed by Qwest Communications International, Inc. ("Qwest") seeking to support Qwest's claim that it is not required under the Communications Act of 1934, as amended ("Telecommunications Act") to provide transiting services. Level 3 believes that Section 251 of the Telecommunications Act requires incumbent local exchange companies ("ILECs) to provide transiting services on a common carrier basis. For example, Section 251(a) requires LECs to interconnection "directly or indirectly" with other LECs. Interpretations of Section 251(a) that exclude interconnection with ILECs for the purpose of transit frustrate the indirect interconnection contemplated by Section 251(a). Larger ILECs (unlike other LECs) have nearly ubiquitous facilities to and interconnection with smaller ILECs (especially in rural areas), making it essential that the larger ILECs provide transiting services on a common carrier basis, as they have done for years (to other ILECs, CLECs and wireless carriers). Moreover, Qwest's interpretation of the Telecommunications Act could lead to the situation in which an ILEC transit provider could eliminate transit competition by refusing to interconnect with a competing transit provider. An ILEC transit provider, for example, has little incentive to interconnect with a competing transit provider, particularly if the ILEC can eliminate the competing transit provider simply by refusing to interconnect. The Telecommunications Act clearly sought to prevent incumbents from eliminating competition through refusal to interconnect.

Please do not hesitate to contact me with any questions about this matter.

Sincerely,

/s/ Adam Kupetsky

Adam Kupetsky Regulatory Counsel

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